

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

JANE DOE, et al.

Plaintiffs,

vs.

HOWARD ZUCKER, et al.

Defendants.

Civil Action No.: 1:20 – CV – 0840 (BKS/CFH)

DECLARATION OF JEANETTE RODRIGUEZ IN
SUPPORT OF PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION

Jeanette Rodriguez, pursuant to 28 U.S.C. § 1746 declares under penalty of perjury as follows:

1. I am the founder and director of the Otto Specht School in Chestnut Ridge, NY. I have served as the school director for more than ten years. I have degrees in music therapy, education and creative arts therapy and am a Board Certified Music Therapist. I have guided the education of well over one hundred medically fragile children during my tenure at this special needs school.
2. The Otto Specht School educates children K-12 with developmental and learning disabilities, as well as those who are medically fragile. The students who attend the school have complicated profiles and struggle daily with difficult mental, physical, emotional, sensory and behavioral challenges.

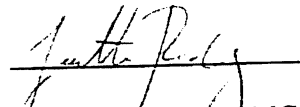
DECLARATION OF JEANETTE RODRIGUEZ IN SUPPORT OF PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION - I

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- 3 3. I consider it my duty as an educator and administrator to do everything in my power to
- 4 ease the burdens of these children and to see that they progress and thrive to meet their
- 5 highest potential.
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- 7 4. I consider it imperative to honor the prescriptions of treating physicians regarding
- 8 children's immunization. As an educator and administrator, I would never consider
- 9 myself qualified to make medical decisions regarding immunization for the children in
- 10 my school, especially when these children already face such significant challenges.
- 11
- 12 5. Since the state-mandated school shutdown in spring 2020 due to COVID-19, the
- 13 challenges for my students became even more daunting. Many, if not most, of the
- 14 students simply could not access education online. These children simply require a
- 15 higher degree of human interaction.
- 16
- 17 6. The lack of in-school education posed an extreme hardship to the students and their
- 18 families. Many lost not only academic skills, but regressed developmentally and
- 19 behaviorally as well.
- 20
- 21 7. Children with special needs are a grossly underserved population in general, and were
- 22 especially so during the COVID crisis. It was tragic to witness the abandonment of
- 23 these children's educational and therapeutic needs, even if the abandonment was
- 24 governmentally-required. These children deserve appropriate, in-person education for
- 25 their protection and care.

26 DECLARATION OF JEANETTE RODRIGUEZ IN SUPPORT OF PLAINTIFFS' MOTION FOR A
27 PRELIMINARY INJUNCTION - 2
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2 8. In the upcoming 2020-21 school year, due to COVID-19, New York State schools will
3 require social distancing, sanitary precautions and other infection control mechanisms.
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5 Given this new regime, children with legitimate medical exemptions from their
6 treating healthcare providers should be allowed to attend school like all other children.
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9 RESPECTFULLY SUBMITTED this 20 day of August 2020
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12 Jeanette Rodriguez, MCAT, BCMT
13 Director, Otto Specht School
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26 DECLARATION OF JEANETTE RODRIGUEZ IN SUPPORT OF PLAINTIFFS' MOTION FOR A
27 PRELIMINARY INJUNCTION - 3
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